

REMARKS

Reconsideration and allowance of the claims pending in the application are requested.

Claims 1- 62 are pending in the application.

Claim 62 has been rejected under 35 USC 101.

Claims 1-3, 8-10, 13, 15, 18 24-30 and 53-62 have been rejected under 35 USC 103 (a) as being unpatentable over USP 6,663,757 to R. Hermann et. al., issued October 14, 2003, filed January 19, 2000 (Hermann) in view of USP 6,532,368 to S. Hild et. al, issued March 11, 2003, filed January 19, 2000 (Hild).

Claims 5, 12, 17, 23, 28 and 31 have been rejected under 35 USC 103 (a) as being unpatentable over USP 6,633,757 to Hermann et al., issued October 14, 2003, filed January 19, 2000 (Hermann), in view of USP 6,532,368 to S. Hild et. al, issued March 11, 2003, filed January 19, 2000 (Hild) and in further view of USP 5,251,251, issued October 5, 1993 (Barber).

Claims 4, 11, 16, 19-22 have been rejected under 35 USC 103(a) as being unpatentable over USP 6,532,368 to Herman, in view of USP 6,532,368 to Hild, as applied above to claims 1-3, 6, 8-10, 13, 15, 18, 24-30 and 53-62, and in further view of USP 6,631,269 to Cave, issued October 7, 2003, filed October 4, 2002 (Cave).

Claims 7, 14, 32-52 have been rejected under 35 USC 103(a) as being unpatentable over USP 6,633,757 to Hermann, in view of USP 6,532,368 to Hild as applied above to claims 1-3, 6, 8-10, 13, 15, 18, 24-30 and 53-62 and in further view of USP 6,112,103 to S. Puthuff, issued August 29, 2000, filed July 10, 1997 (Puthuff).

The cited art fails to disclose the claimed subject matter as follows:

A. Hermann:

1. Applicants at Paragraph 0023 disclose an ad-hoc network of devices, each device including an application directory to track for each application that is resident in each device in the ad-hoc network a reference to the device storing the application. In contrast, Hermann at col. 13, line 66 continuing to col. 14, line 63 discloses service consuming device and service provider device in a local network of proximity sets. The service consuming and service provider devices are different. The service consuming devices include lists of services by service description and an identifier. The service provider devices include service providing modules only. There is no disclosure of lists services and associated identifiers in the service provider

modules. Hermann fails to disclose lists of services for each device of a local area network of proximity sets.

2. Applicants at Paragraphs 0011 disclose control parameters which dictate a behavior of the selected application such as allowing communication with the selected application, etc. In contrast, Hermann at col. 14, lines 1-27 describes service lists that provide a service description and identifier IDs of service providing devices or access points in a network. Hermann fails to disclose in a directory control parameters describing the behavior of an application.

3. Applicants at Paragraph 0058 disclose selecting an application in a directory where the choice of the selected application is based on a priority assigned to the application and an associated control parameter. In contrast, Hermann at column 5, lines 36-53 discloses selecting a service-providing device according to user requirements. Hermann fails to disclose selecting an application in a directory according to a control parameter and an assigned priority.

B. Hild fails to disclose choosing an application from a list and examining a control parameter, a feature acknowledged as missing in Hermann by the Examiner, as follows:

1. Hild at col. 15, lines 50 -67 discloses before two electronic devices exchange business card information in the form of user data, the respective service information and service parameters (such as the field comprised on the business cards, for example) are exchanged, according to the present invention. In contrast, applicants at Paragraph 0052 disclose the source device examines the control parameter before selecting an application. Exchanging business cards does not comport with examining control parameter of an application. Hild fails to supply the missing feature in Hermann related to examining a control parameter before selecting an application.

C. Barber fails to disclose erasing an application from a list after use, a feature, acknowledged as missing in Hermann in view of Hild by the Examiner, as follows

1. Barber at col. 2, lines 1 – 60 discloses a voice/message storage and retrieval system. After messages are played out, a personalized message automatically is erased from the memory. In contrast, applicants at Paragraphs 36, 54 disclose a selected application and the matching application, respectively, may be erased if the control parameters specify to erase

after use. Barber fails to supply the missing feature in Hermann related to erasing a selected application after use, if a control parameter specifies to erase the application after use.

D. Cave fails to disclose a connection request/acceptance message, a feature acknowledged as missing in Hermann in view of Hild by the Examiner, as follows:

1. Cave at col. 2, line 60, continuing to col. 3, line 3 discloses a connection request message including an establishment cause for connection of user equipment to a radio network. However, applicants can find no disclosure nor has the Examiner identified any disclosure in Cave relating to an accept connection message. In contrast, applicants at Paragraph 10 discloses sending a connection request to the nearby wireless device, receiving an accept connection message from the nearby wireless device, launching the selected application, and sending a service request to connect the selected application and the matching application. Cave fails to supply the missing feature in Hermann related to sending an accept connection message.

E. Puthuff fails to disclose choosing an application based on a priority including at least one control parameter, a feature acknowledged as missing in Hermann in view of Hild by the Examiner, as follows:

1. Puthuff at col. 5, lines 47- 67 discloses a prioritized list of applications, indicating which applications can interrupt other applications. In contrast, applicants at Paragraph 58 disclose a source device accesses a combined application directory and examines the control parameters associated with the prioritized applications to choose an application. Puthuff fails to disclose choosing a prioritized application associated with a control parameter, as described in applicants' specification at Paragraph 58.

Summarizing, Hermann in view of Hild and in further view of Barber, Cave and Puthuff discloses a method of distinguishing services offered by a service providing device to service consuming devices in adjacency within a wireless network wherein the service consuming devices maintain (i) a record with information about services and identifiers, and a (ii) a list of identifiers about service providers provided by the service providers. The service providers do not contain a list of service consumers, but respond to the service consumer requests. In contrast, applicants disclose a system for controlling access to an application in a wireless device connected to an ad-hoc network. Each device in the network contains a directory listing

application in other network devices. Hild discloses applications exchanging cards, but not examining control parameter, as disclosed by applicants. Barber discloses erasing messages, but not application if specified by a control parameter, as disclosed by applicants. Cave discloses connection request messages, but not accept connection messages, as disclosed by applicants. Puthoff discloses prioritized applications, but not examining prioritized applications associated with control parameters, as disclosed by applicants.

Moreover, the cited art fails to disclose or suggest (a) an application directory in each network device; (b) control parameters associated with each application in the directory for controlling application behavior (c) a rule set associated with the control parameters and applicable to the use of an application, and (d) a middleware layer in OSI software including an applications directory.

Lastly, the cited art fails to teach or suggest to a worker skilled in the art the claimed subject matter for the reason indicated above and/or provide an operable system due to the absence of missing features, i.e. lists of applications of other devices in each network device; control parameters associated with prioritized applications; behavior control of applications, etc. The rejection of claims 1-62 under 35 USC 103 (a) is without support in the cited art. Withdrawal of the rejection and allowance of claims 1-62 are requested.

Now turning to the rejections, Applicants respond to the indicated numbered paragraphs of the subject Office Action, as follows:

Paragraph 1:

Claim 62 has been amended to overcome the rejection under 35 USC 101.

Paragraphs 2/3:

Claims 1-3, 8-10, 13, 15, 18 24-30 and 53-62 include features not disclosed or suggested in Hermann in view of Hild, and overcome the rejection under 35 USC 103 (a), as follows:

A. Claim 1, as amended:

(i) “a memory device including a distributed application directory in a middleware layer, the directory listing all applications resident in each device in an ad-hoc network;”

Hermann at column 8, lines 29-46 discloses that service consuming devices know or learn about and stores the identity of service providing devices within the same wireless network. In contrast, applicants at page 10, lines 10 discloses an application directory track, for each application that is resident in each device in piconet 100, a reference to the device storing the application, an identifier for the application, the role that the application performs, and the control parameters that define the user or service provider rules for controlling the application. Hermann disclose storing applications resident in service providing devices only whereas applicants disclose storing the identity of applications stored in all devices in an ad hoc piconet. Hermann fails to disclose a directory in each device listing applications of all devices in a network

(ii) “examine at least one control parameter associated with the selected prioritized application;”

The Examiner acknowledges this feature (ii) is not disclosed in Hermann. Hild discloses electronic devices exchanging business cards which does not comport with control parameters. Puthuff discloses prioritized applications but fails to disclose control parameters associated with prioritized applications. Hild and Puthuff fail to supply the missing feature in Hermann related to examining control parameters associated with a prioritized selected application.

B. Claims 2 and 3:

The Examiner acknowledges Hermann fails to disclose control parameters associated with applications. Hild does not supply the missing feature. Hild disclose devices exchanging business cards which does not comport with control parameters controlling the behavior in allowing or refusing communication with an application.

C. Claim 6:

Hermann discloses a service consuming device only communicates with a service providing device for a service and the service providing device responds to the communication. In contrast, applicants disclose a network device can select and retrieve an application for any nearby device, not a service provider device disclosed in Hermann. Further, Hermann fails to disclose examining a selected application associated with a control parameter.

D. Claims 8, as amended, and claims 9-10, 13:

Claims 8-10 and 13 are the method equivalents of claims 1-3 and 6, previously considered, and are distinguishable from Hermann on the same basis as claims 1-3 and 6.

E. Claim 15, as amended and 18:

Claims 15 and 18 are the program product equivalent of claims 1 and 6 previously considered and are distinguishable from Hermann on the same basis as claims 1 and 6.

F. Claims 24-30 are not discussed by the Examiner in the subject Office Action.

Applicants respond as follows

1. Claims 24, as Amended:

(i) "sending an accept connections message"

The Examiner in Paragraph 5 of the subject Office Action acknowledges Hermann does not disclose sending an accept connection message. Cave 6,631,269 does not supply the missing feature. Applicants can find no disclosure nor has the Examiner identified any disclosure in Cave relating to an accept connection message.

(ii) "examining at least one control parameter associated with a matching application program for the selected_prioritized_application for controlling access to the selected prioritized application."

The Examiner acknowledges Hermann does not disclose examining a control parameter associated with a prioritized application. Hild does not supply the missing control parameters because the Hild devices exchange electronic business cards which do not disclose or suggest control parameters associated with an application. Puthoff discloses prioritized applications, but not prioritized applications associated with a control parameters. Hermann in view of Hild and Puthuff fails to disclose the subject matter of claim 24.

2. Claims 25 -26:

Claims 25 and 26 correspond to claims 8 and 10, previously considered.

3. Claims 27-30:

The Examiner has not cited any disclosure in the cited art nor has the Examiner discussed the further features of claims 27 -30. In particular, applicants can find no disclosure in the cited art regarding:

- (a) launching the matching application; receiving a service request to connect the selected application and the matching application;
- (b) erasing the selected application, if specified by the associated control parameters;
- (c) receiving a connection request; sending an accept connections message;
- (d) examining at least one control parameter associated with a matching application program for the selected prioritized application, and
- (e) connect the selected prioritized application and the matching application.

G. Claims 53, as amended:

- (i) “said distributed applications directory listing each application that is resident in each device in an ad-hoc communications network;”

Hermann discloses only service providing devices list services, not service consuming devices in a network. In contrast, applicants disclose a directory lists applications in all devices in a network.

- (ii) “choose a selected application from a list of prioritized application programs in the distributed applications directory;” and

Hermann fails to disclose prioritized applications for the reasons indicated in the consideration of claim 1

- (iii) “launch the selected prioritized application to enable the wireless device and the nearby wireless device to communicate via the selected prioritized application.”

Hermann fails to disclose prioritized applications for the reasons indicated in the consideration of claim 1

G. Claims 54 – 62:

The Examiner has not cited any disclosure in the cited art describing nor has the Examiner discussed the further features of claims 53-62. In particular, applicants can find no disclosure in the cited art regarding (a) a directory including a table listing by device of applications resident in wireless devices in the ad-hoc communication network; (b)) a role for each application identified in the table; (c) control parameters for each application identified in the table; (d). the control parameters being in categories including (i) application states, (ii) user-defined application settings

and (iii) and macros or combinations of user-defined application settings; (e) the application states comprising (i) Installed, (ii) In-Machine, (iii) Running, (f) the application settings comprising (i) Wanted, (ii) Distributable, and (iii) Erase-After-Use, and (g) . macros comprising (i) Auto-Download, (ii) Downloadable, (iii) Auto-Launch-Everything, and (iv) Transfer and State Indications. Claims 54-62 as presented are patentable, as presented, based on the absence of prior art. Allowance of claims 54-62 is requested.

Summarizing, claims 1-3, 8-10, 13, 15, 18, 24-30 and 53-62 include features not disclosed or suggested in Hermann in view of Hild and in further view of Cave and Puthuff, as discussed above. The rejection under 35 USC 103 (a) is without support in the cited art. Withdrawal of the rejection and allowance of claims 1-3, 8-10, 13, 15, 18 24-30 and 53-62 are requested.

Paragraph 4:

Claims 5, 12, 17, 23, 28 and 31 include features not disclosed in Hermann et al., in view of Hild and in further view of Barber, and overcome the rejection under 35 USC 103 (a), as follows:.

Hermann and Hild fail to teach the invention as claimed by their failure to disclose or suggest (i) a directory listing all applications resident in each device in an ad-hoc network; (ii) examining at least one control parameter associated with a selected prioritized application, for reason indicated in the consideration of claim 1, and the further failure to disclose erasing a selected prioritized application, if specified by an associated control parameter. Barber fails to supply the missing feature in Hermann in view of Hild related to erasing a selected prioritized application if specified by an associated control parameter. Barber at col. 6, lines 13 -16 and lines 51-53 describes automatically erasing a voice mail message in a voice messaging system which does not comport with erasing an application in a wireless device connected to an ad-hoc network, if the erasure is specified by an associated control parameter.

The cited art fails to support the rejection of claims 5, 12, 17, 23, 28 and 31 under 35 USC 103 (a) for the reasons discussed above. Withdrawal of the rejection and allowance of claims 5, 12, 17, 23, 28 and 31 are requested..

Paragraph 5:

Claims 4, 11, 16, 19-22 include features not disclosed in Herman, in view of Hild, as applied above to claims 1-3, 6, 8-10, 13, 15, 18, 24-30 and 53-62, and in further view of Cave, and overcome the rejection under 35 USC 103 (a), as follows:

Hermann in view of Hild fails to teach the invention as claimed by their failure to disclose or suggest (i) a directory listing all applications resident in each device in an ad-hoc network; (ii) examining at least one control parameter associated with a selected prioritized application, for reason indicated in the consideration of claim 1 and the further failure to disclose a connection request/acceptance message. Cave at column 2, line 60, continuing to col. 3, line 3 discloses a connection request message but fails to disclose or suggest an accept connection message, as described in applicants specification at Paragraphs 10 and 11. Cave fails to supply the missing feature in Hermann in view of Hild related to a connection request/ and an accept connection message.

The cited art fails to support the rejection of claims 4, 11, 16, 19-22 under 35 USC 103 (a) for the reasons discussed above. Withdrawal of the rejection and allowance of claims 5, 12, 17, 23, 28 and 31 are requested.

Paragraph 6:

Claims 7, 14, 32-52 include features not disclosed in Hermann, in view of Hild as applied above to claims 1-3, 6, 8-10, 13, 15, 18, 24-30 and 53-62 and in further view of Puthuff, and overcome the rejection under 35 USC 103 (a), as follows:

Hermann in view of Hild fails to teach the invention as claimed by their failure to disclose or suggest (i) a directory listing all applications resident in each device in an ad-hoc network; (ii) examining at least one control parameter associated with a selected prioritized application, for reason indicated in the consideration of claim 1, and the further failure to disclose choosing an application based on an assigned priority associated with a control parameter. Puthuff at col. 5, lines 47-67 discloses prioritized lists of applications, but fails to describe selecting prioritized applications associated with control parameters. Puthuff fails to supply the missing feature in Hermann in view of Hild related to choosing an application based on an assigned priority associated with a control parameter.

The cited art fails to support the rejection of claims 7, 14, 32-52 under 35 USC 103 (a) for the reasons discussed above. Withdrawal of the rejection and allowance of claims 7, 14, 32-52 are requested

Patentability Support For New Claim:

Claim 63 further defines claim 1 by (i) a priority assigned for a selected application based on the combined distributed applications directory, wherein the priority is calculated from a local application priority and corresponding application priority of the nearby device, and (ii); a behavior determined for the selected application based on the assigned priority and the at least one control parameter. Applicants believe the features (i) and (ii) are not shown in the cited art

Entry and allowance of claim 63 are requested.

CONCLUSION

Applicants have amended the claims to further distinguish the claimed subject matter from the cited art. New claim 63 has been added for further protection of the claimed subject matter. Entry of the amendment, allowance of claims 1-64, and passage to issue of the application are requested.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4149. A DUPLICATE OF THIS SHEET IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4149. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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